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JUN 07 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Haseeb Akhtar, et al.
Application No. 09/657,351
Filed: September 7, 2000
For: **INTERNET PROTOCOL
MOBILITY ARCHITECTURE
FRAMEWORK**

**DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT**

This is a decision on the Petition to Withdraw Holding of Abandonment filed March 29, 2004, pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The petition is **GRANTED**.

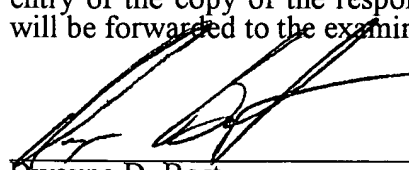
This application became abandonment for failure to timely file a response to the Notice of Missing Parts mailed November 3, 2000, which set a period of TWO MONTHS to reply. That period lapsed without reply, rendering this application abandoned as of January 3, 2001. A Notice of Abandonment was mailed on March 10, 2004.

Petitioner alleges to have timely filed a response to the Notice of Missing Parts on December 20, 2000. To support this position, Petitioner has included with the instant petition, a copy of a return post card date stamped as received by the PTO on December 27, 2000 and which lists the filing of a signed Declaration and Power of Attorney, an assignment for recordation, and a check in the amount of \$170.00 (\$130.00 for the filing fee and \$40.00 for the recordation fee). The subject petition also included copies of each of the items listed on the return post card.

The original correspondence filed was not matched with the file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file is being forwarded to the Technology Center's technical support staff for entry of the copy of the response submitted with the petition. From there, the application file will be forwarded to the examiner for appropriate action in due course.


Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications